IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8589 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NITINKUMAR NATVARBHAI PATEL - Petitioner(s)
Versus
THE REGIONAL PASSPORT OFFICER - Respondent(s)

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Appearance :
MR BG PATEL for Petitioner(s) : 1,
MS ARCHANA AMIN for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 10/04/2007

ORAL JUDGMENT

1. **Rule**. Ms. Archana Amin learned Additional Central Govt. Standing Counsel waives service of rule on behalf of the respondent. At the request of the learned

advocates the matter is taken up for final hearing today itself.

2. The petitioner has sought correction of the birth date in the passport issued by the respondent authority. According to the petitioner his correct date of brith is 5th September, 1973, which is stated in the birth certificate, but in the passport it is mentioned as 31st August, 1973. He, therefore, seeks to correct the birth date in the passport on the basis of his brith certificate.

3. Having heard Mr. B. G. Patel learned advocate for the petitioner and Ms. Amin learned Additional Central Government Standing Counsel for the respondent, it appears that in the passport the entry with regard to the birth date is made on the basis of the school leaving certificate issued by Shri Swami Samarth College of Physical Education. The copy of the birth certificate issued by Anand Nagarpalika is annexed at annexure-A, which shows that the birth date of the petitioner is 5th September, 1973. This Court has held that the birth certificate is the authenticate document, so far as the date of birth is concerned. It will prevail upon any other document that may come into existence subsequently.

3.1. Hence, the grievance of the petitioner can be redressed by passing the following direction.

3.2. The respondent is directed to consider the application for issuance of passport of the petitioner on the basis of the birth certificate and if all other documents are found to be in order, the same may be issued, if otherwise he is not found ineligible.

3.3. Since this exercise is required to be carried out because of the fault on the petitioner's side, the petitioner is directed to pay costs of Rs.2,500=00.

4. The petition is allowed. Rule is made absolute.

[Akshay H. Mehta, J.]

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